

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

MICHAEL ALLEN KOKOSKI,

Petitioner,

v.

CIVIL ACTION NO. 5:06-0629

CHARLES T. FELTS, Warden,  
FCI Beckley,

Respondent.

**ORDER**

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Petitioner filed this Application for Writ of Habeas Corpus on August 14, 2006. The Magistrate Judge entered Proposed Findings and Recommendation on August 25, 2006, recommending dismissal of this petition as a second or successive application filed without leave of court. In her Proposed Findings and Recommendation, the Magistrate Judge recited the procedural history of Petitioner's claims arising from his 1994 conviction. Finding the claims asserted here to be similar to Petitioner's claims in preceding applications, the Magistrate Judge recommended dismissal pursuant to 28 U.S.C. §§ 2244 and 2255. Petitioner objected.

The Court has reviewed the Proposed Findings and Recommendation and Petitioner's written objections. Petitioner's claims concerning the validity of the search warrant, his guilty plea, and the subsequent effect of this conviction in later sentencings have been thoroughly considered and rejected. Petitioner's application here is clearly a successive application barred by statute.

The Court therefore **ADOPTS** the Magistrates Judge's Findings and Recommendation, **DENIES** Petitioner's section 2241 petition and **DISMISSES** this matter from the docket of the Court.<sup>1</sup>

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented parties.

ENTER: April 12, 2007

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Court also **DENIES** Petitioner's Motion to Reconsider Order of March 22, 2007, (doc. #19), which sought a transcript of proceedings.